

Application No. 10/512,065
Amendment dated May 29, 2007
Reply to Office Action of February 28, 2007

Docket No.: 5417-0104PUS1

REMARKS

Claims 1-17 are pending in the present application. Claims 11-17 have been withdrawn.

Allowable Subject Matter

The Examiner is thanked for the indication in the outstanding Office Action that claims 3-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the following remarks, however, it is believed that all of the claims, i.e., claims 1-10, are in condition for allowance.

Claim Rejections – 35 U.S.C. § 102

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tashiro et al. (U.S. Patent 7,129,726 – hereinafter “Tashiro”). This rejection is respectfully traversed.

From a brief review of the Tashiro reference, Applicant notes that this reference was filed on August 25, 2005. However, the present application was filed in the United States on November 12, 2004 but is based on PCT International Application No. PCT/JP02/04123 filed on April 25, 2002. Therefore, the effective filing date of the Tashiro reference is after the filing date of the present application. Accordingly, it is believed that the rejection under 35 U.S.C. § 102(e) is improper and that claims 1-2, as well as allowable claims 3-10, are in condition for immediate allowance. Therefore, reconsideration and withdrawal of the § 102 rejection are respectfully requested.

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Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

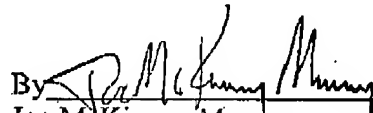
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 29, 2007

Respectfully submitted,

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